

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Bouldin Creek Neighborhood Plan

CASE#: NPA-2012-0013.01 **Date Filed:** February 17, 2012 (In-cycle)

PC DATE: May 22, 2012

ADDRESS/ES: 603 West Johanna Street

SITE AREA: Approx. 723 sq. ft.

APPLICANT/OWNER: Oscar Linares

AGENT: Moncada Consulting (Phil Moncada)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2012-0021 (SS)

From: SF-3-NP

To: NO-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: May 23, 2002

PLANNING COMMISSION RECOMMENDATION: On May 22, 2012, the motion to approve staff's recommendation to deny the request for mixed use, was approved by Commissioner Sandra Kirk's motion, Commissioner Danette Chimenti seconded the motion on a vote of 9-0.

STAFF RECOMMENDATION: Not recommended.

BASIS FOR STAFF'S RECOMMENDATION: The request to change the future land use map from Single Family to Mixed Use does not support the following Goal and Objectives of the Bouldin Creek Neighborhood Plan:

Part I: Land Use

GOAL 1: Maintain established neighborhood character and assets

OBJECTIVE 1.1: Maintain the Single Family Residential Character of the Neighborhood Interior.

- Properties located within the interior of the neighborhood that are zoned single family should remain as single-family land uses.

Part II: Transportation

GOAL 4: Create a transportation network that allows residents to walk, bike, ride, roll, and drive safely.

OBJECTIVE 4.4: Create safer and better-connected pedestrian and bicycle circulation systems in the Bouldin Creek neighborhood.

OBJECTIVE 4.5: Promote parking designs that maximize safety and are compatible with neighborhood character.

Action Item 60: The neighborhood wishes to facilitate enforcement of existing parking and sight-line regulations in order to insure: 1) maximum vehicular safety at all intersections, and 2) pedestrian safety throughout the neighborhood. Problem examples include parking too close to an intersection thereby obstructing the sight-line to oncoming traffic, foliage too close to an intersection such that it obstructs the sight-line to oncoming traffic, and parking on sidewalks. Lead Implementer: BCNPT

Staff Analysis: Rezoning a portion of a residential lot to accommodate a driveway to park cars for a commercial business is not compatible with the neighborhood plan because it is commercial intrusion into an established residential area.

Single Family (Existing land use)

Single family detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-

Family Residential) in areas considered appropriate for this type of infill development.

Mixed Use (Proposed land use)

An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

LAND USE PLANNING PRINCIPLES

- Ensure that the decision will not create an arbitrary development pattern;
- Minimize negative effects between incompatible land uses;
- Discourage intense uses within or adjacent to residential areas;
- Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
- Ensure adequate transition between adjacent land uses and development intensities;
- Balance individual property rights with community interests and goals;
- Avoid creating undesirable precedents;
- Ensure similar treatment of land use decisions on similar properties;
- Promote development that serves the needs of a diverse population.

Staff Analysis: A change in the future land use map from Single Family to Mixed Use on a portion of a residential lot would begin the commercial intrusion into the residential area and could negatively affect the adjacent residential uses.

- Ensure an adequate and diverse supply of housing for all income levels;
- Recognize current City Council priorities;

Staff Analysis: The request to intrude commercial land uses into a residential area would negatively affect the adjacent homes.

- Promote expansion of the economic base and create job opportunities;
- Consider infrastructure when making land use decisions;

Staff Analysis: The request would provide additional parking for an existing business, but would create a negative impact on the existing residential areas.

- Minimize development in floodplains and environmentally sensitive areas;
- Protect and promote historically and culturally significant areas;
- Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);
- Promote goals that provide additional environmental protection;
- Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

Staff Analysis: These land use principles are not directly applicable to the land use request.

BACKGROUND: The application was filed on February 17, 2012 which is in-cycle for City Council-approved neighborhood planning areas located on the west side of I.H.-35.

The applicant requests a change in the future land use map from Single Family to Mixed Use on approximately 732 square feet of land.

The zoning case request is to change the zoning on approximately 723 square feet of land from SF-3-NP to NO-MU-NP to be used as a driveway so cars can access an existing parking lot located to the south of 603 West Johanna Street.

COMMUNITY MEETING: The ordinance required plan amendment meeting was held on Wednesday, April 11, 2012. Approximately 170 meeting notices were mailed to people who live within 500 feet of the property, including neighborhood organizations and environmental groups registered on the Community Registry. Twenty-seven people attended the meeting including the applicant and one city staff member.

Phil Moncado, the owner's agent, said Polvos Mexican Restaurant east of the site, needs additional parking spaces and proposes to rezone 723 square feet on rear portion of 603 West Johanna Street lot to allow access from the Polvos parking lot to the lot zoning LR-MU-NP

to the south. He said they submitted an off-site parking plan that is under view by the City of Austin.

After the presentation, these questions were asked:

Q: What is the status of the off-street site plan?

A. It's still under review from Donna Galati.

Q. How many legal parking spaces are required?

A. We need 48 parking spaces.

Q. You asked for an off-site parking extension for 2 years?

A. No. It was really for 5 months.

Q. Who was the previous owner?

A. I don't know who the previous owner was. Oscar Linares has owned the property for five or seven years.

Q. At the neighborhood meeting 14 months ago we asked for a parking table. Do you have one tonight?

A. I have one but it's still under review by the City.

Q. It seems like you're using the rules to get what you want, but not what is best for the neighborhood.

A. We didn't want to encroach in to the neighborhood so we didn't request rezoning on the whole property. We just wanted to show what was already there.

Q. How will this benefit the neighborhood?

A. It will help the parking situation.

Q. It seems like everything depends upon whether the lot the driveway is accessing is a legal lot, but is it not a legal lot, is it?

A. Yes. The Development Assistance Center works to determine the grandfathering status for the number of legal parking spaces on the lot. We can have 1,900 square feet of impervious cover, which could be five compact parking spaces.

Q. How will you keep the cars from parking on the street like they do now?

A. Will put up signage to South 1st Street parking lot so they won't go into the neighborhood. We can't guarantee they won't park in the neighborhood.

Q. The owner of 603 W. Johanna Street cut down the trees in the back yard, paved over the back yard, took the fence down, which was all illegal. We want to maintain the residential quality of the neighborhood and what he did hurt the neighborhood.

A. Some violations were address. I don't agree with what he did.

The Stuart Hampton, chairman of the Bouldin Creek Planning Contact Team told Mr. Moncado that he will need to continue to work with the surrounding property owners to get their support before the planning contact team could consider supporting his application.

The Bouldin Creek Planning Contact Team does not support the applicant's request. See letter on page seven of this report.

Letters from surrounding property owners are at the back of the report.

CITY COUNCIL DATE:

June 28, 2012

ACTION: Postponed to August 16, 2012.

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from the Bouldin Creek Planning Contact Team

From: Hampton, Stuart
Sent: Tuesday, May 15, 2012 9:45 AM
To: Meredith, Maureen
Cc: Cassidy Neal; npoulson@cs.com
Subject: RE: Bouldin Creek zoning case --- C14-2012-0021 case (Polvos)

Maureen,

Regarding the C14-2012-0021 zoning case (Polvos) the Bouldin Creek Neighborhood Plan Contact Team Executive Committee does not believe that this case should proceed, let alone be approved, until the developers meet with and reach some kind of agreement with the immediate neighbors.

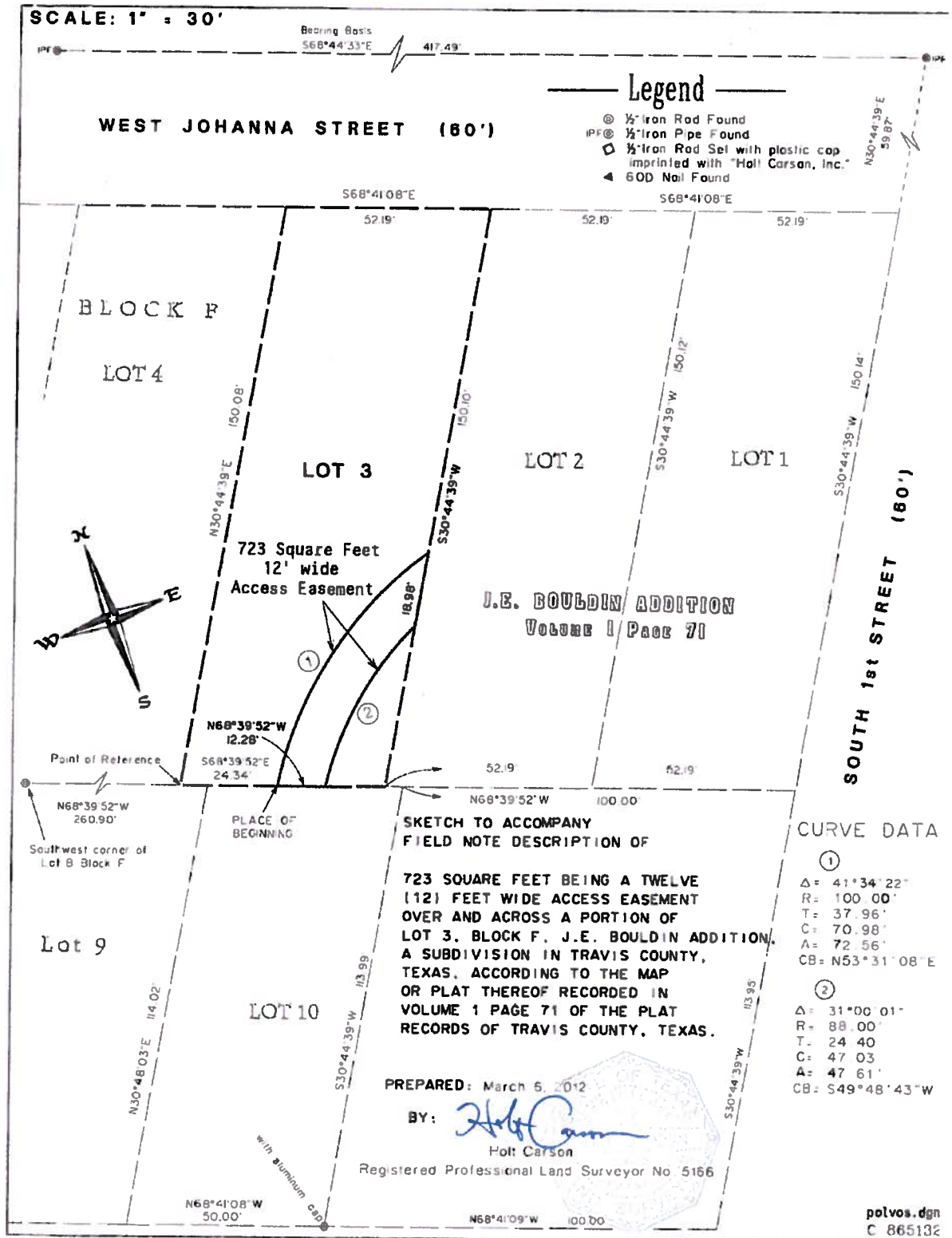
The developer's representative was ill-prepared and had no specific site plan at April's City hosted public meeting on this zoning case (a pattern that has been repeated at other neighborhood meetings about this property over several years), and the property owners in question have a long history of flouting building, parking, safety, and other rules regarding this property.

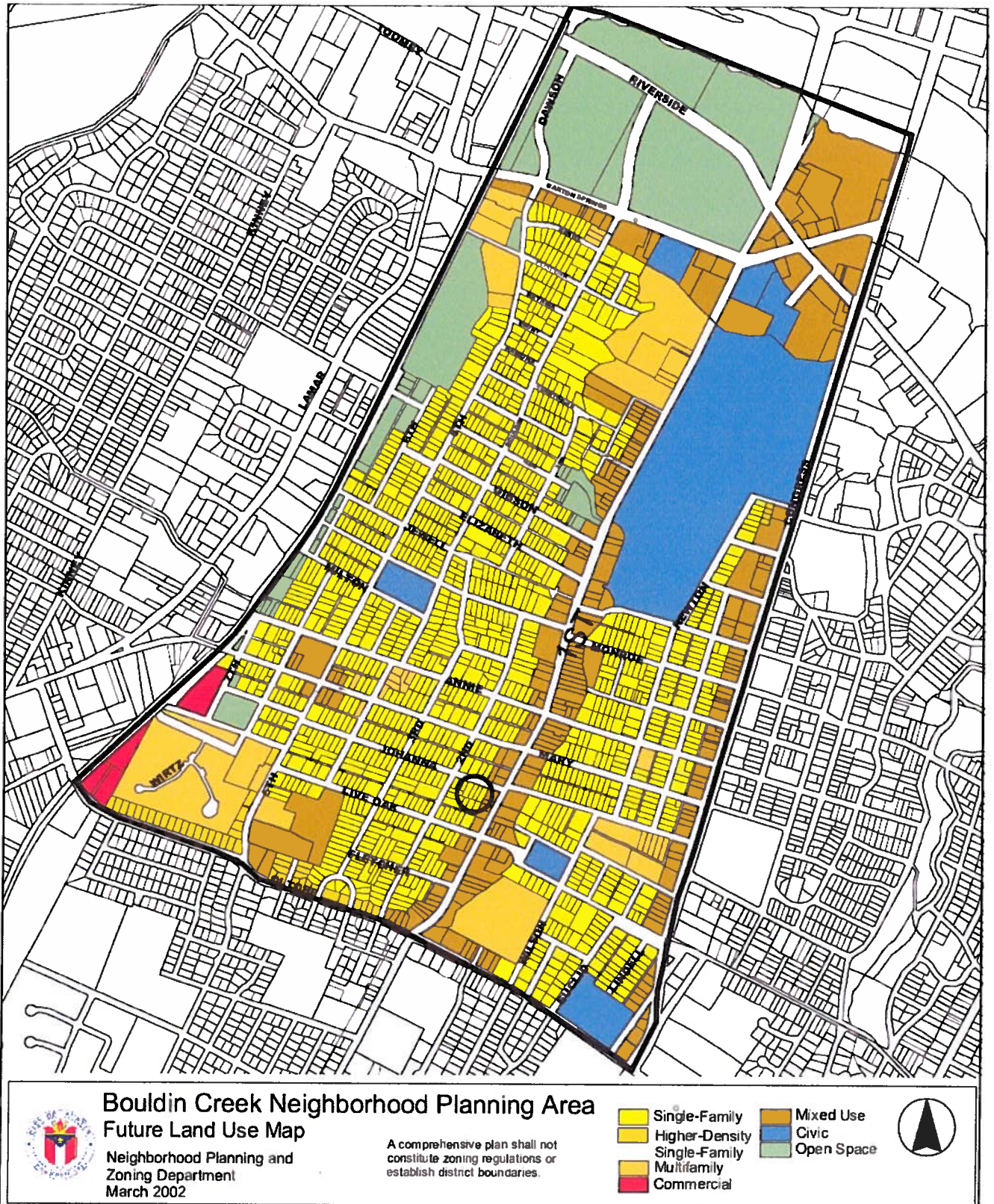
What is currently being presented is an encroachment of commercial zoning into the neighborhood interior, in direct contradiction to the central development tenets of the Neighborhood Plan (increased development along arterials in exchange for protection of the neighborhood interior for single family residential use).

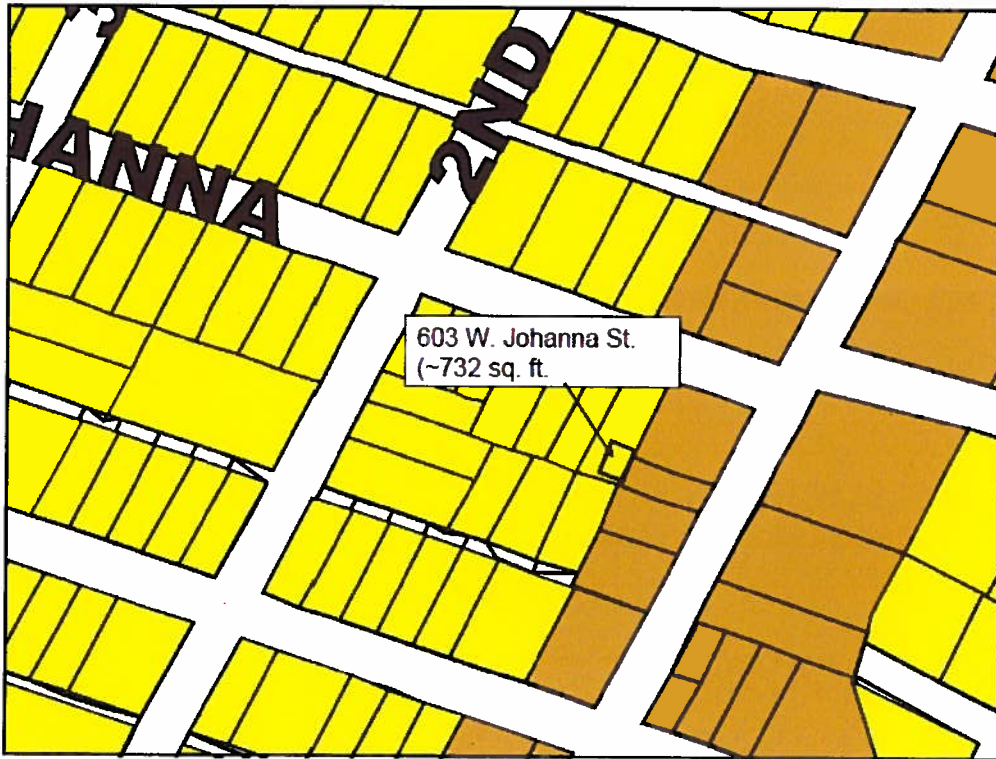
As it stands we urge the Planning Commission to reject this application.
Regards,

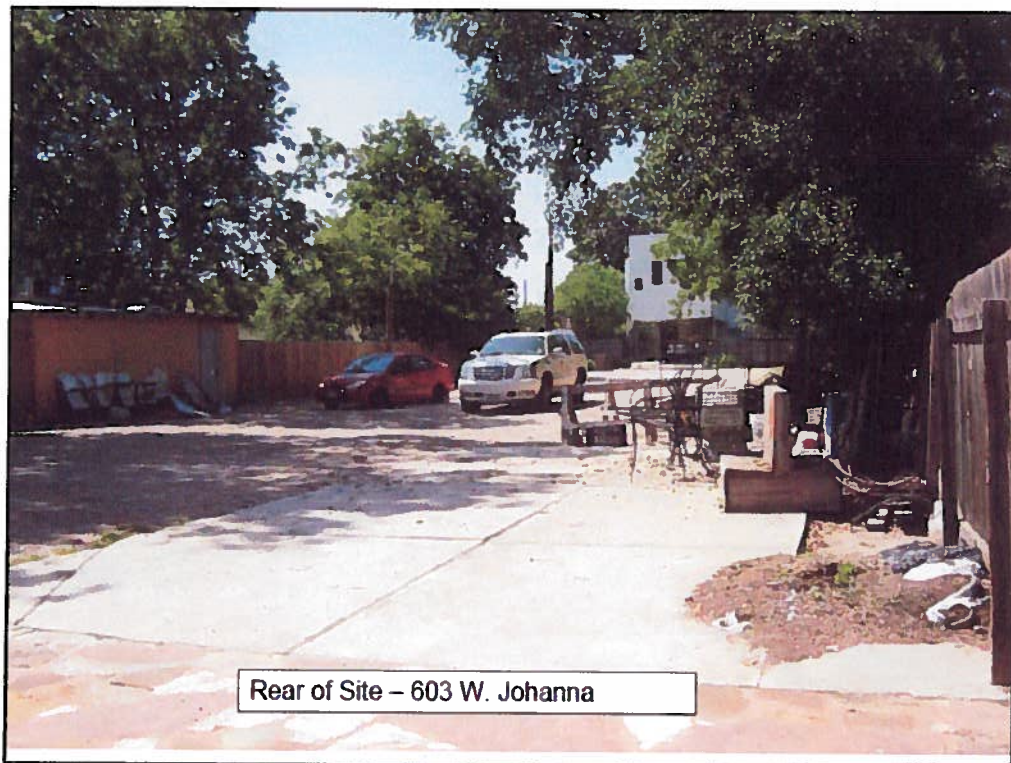
Stuart Hampton
Chair, Bouldin Creek Neighborhood Plan Contact Team
On behalf of the Bouldin Creek Neighborhood Plan Contact Team Executive Committee

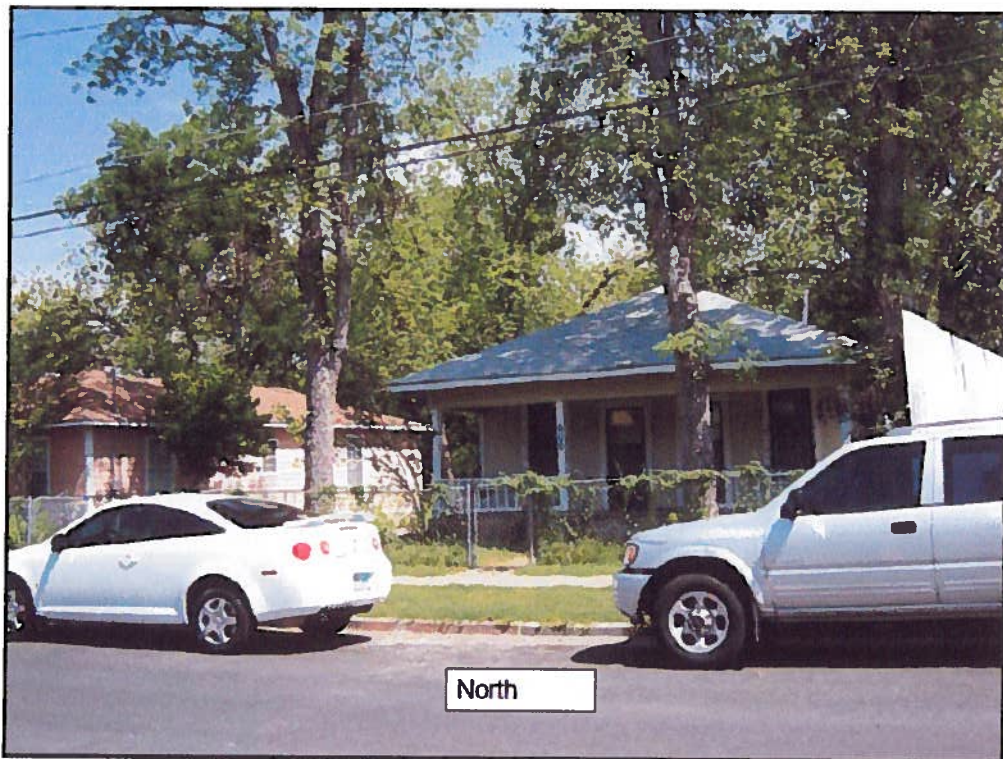
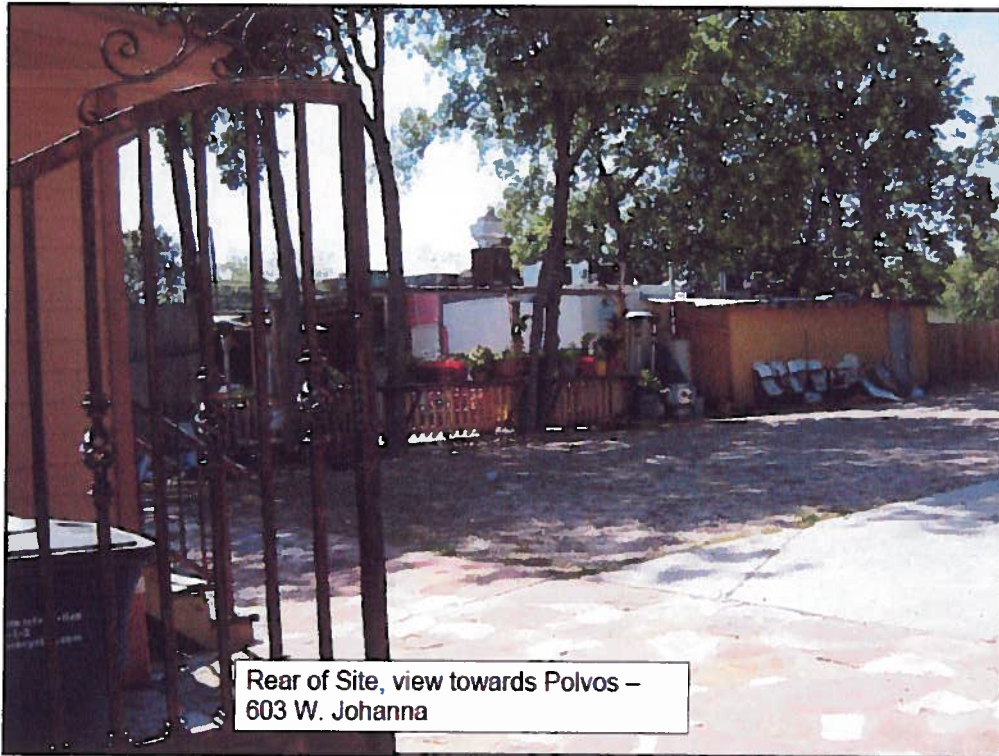


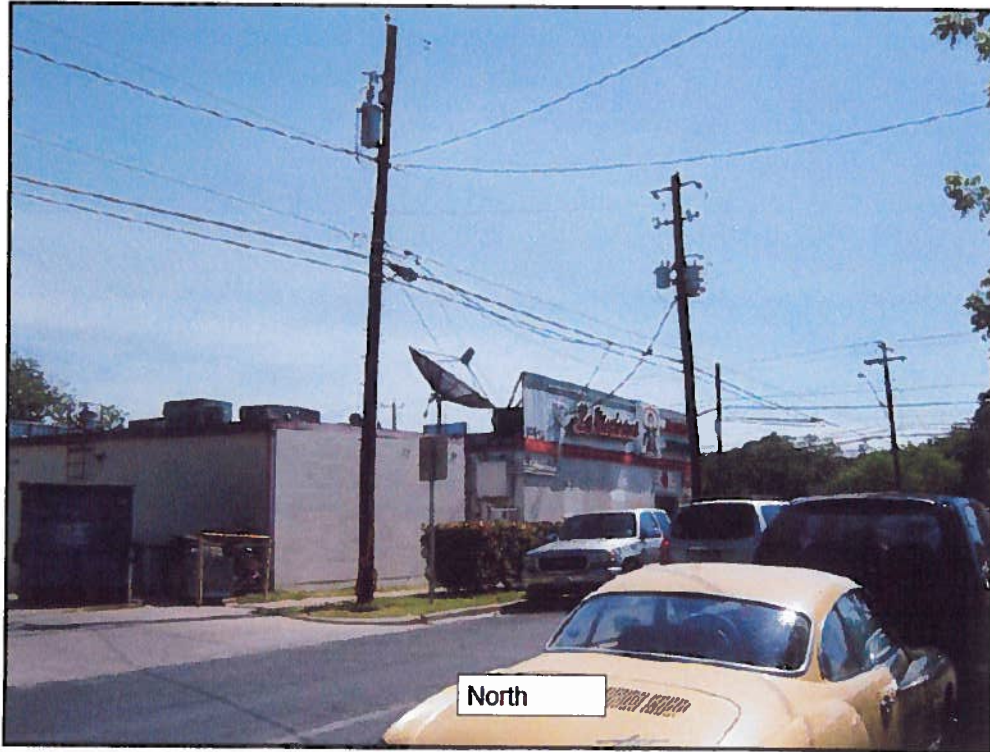


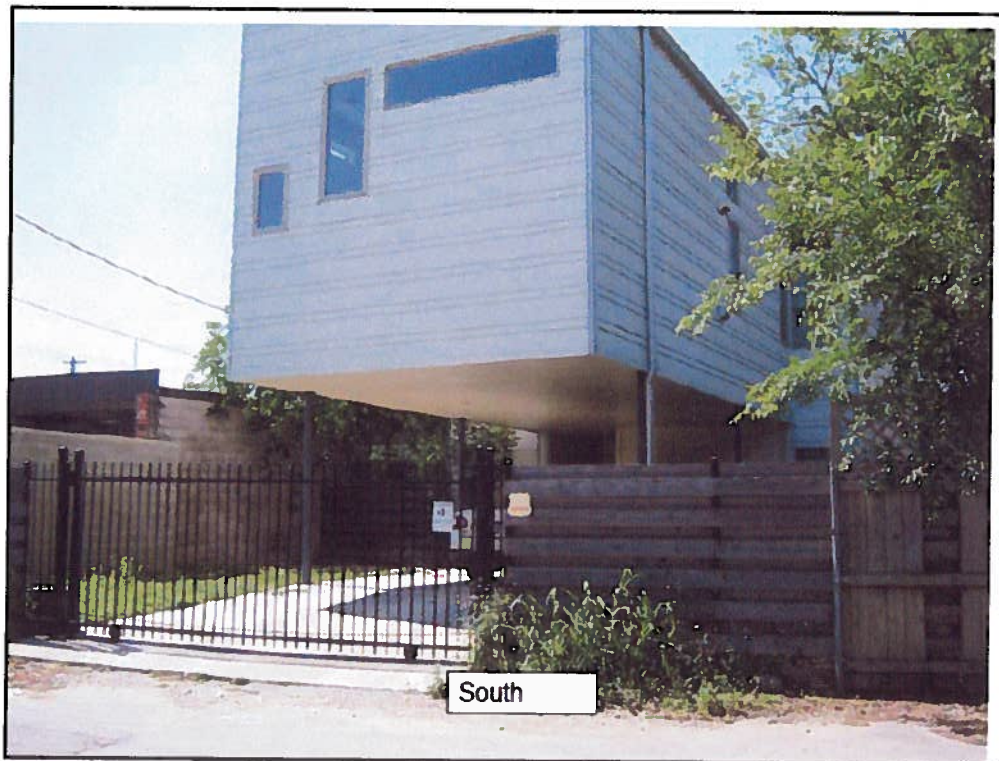
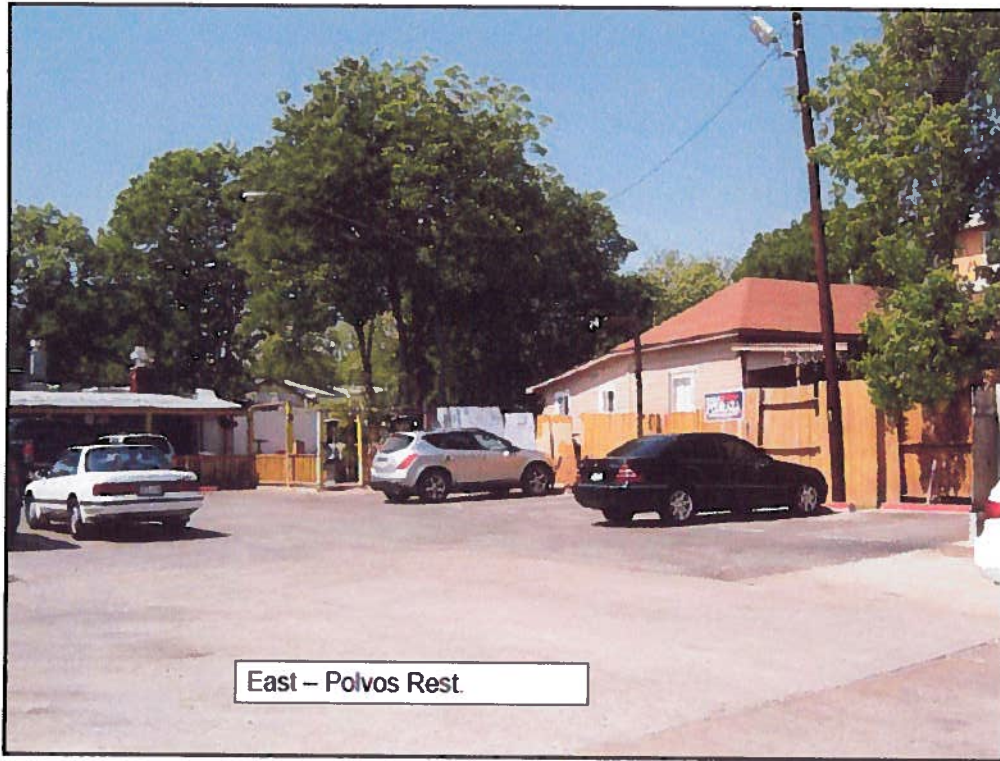


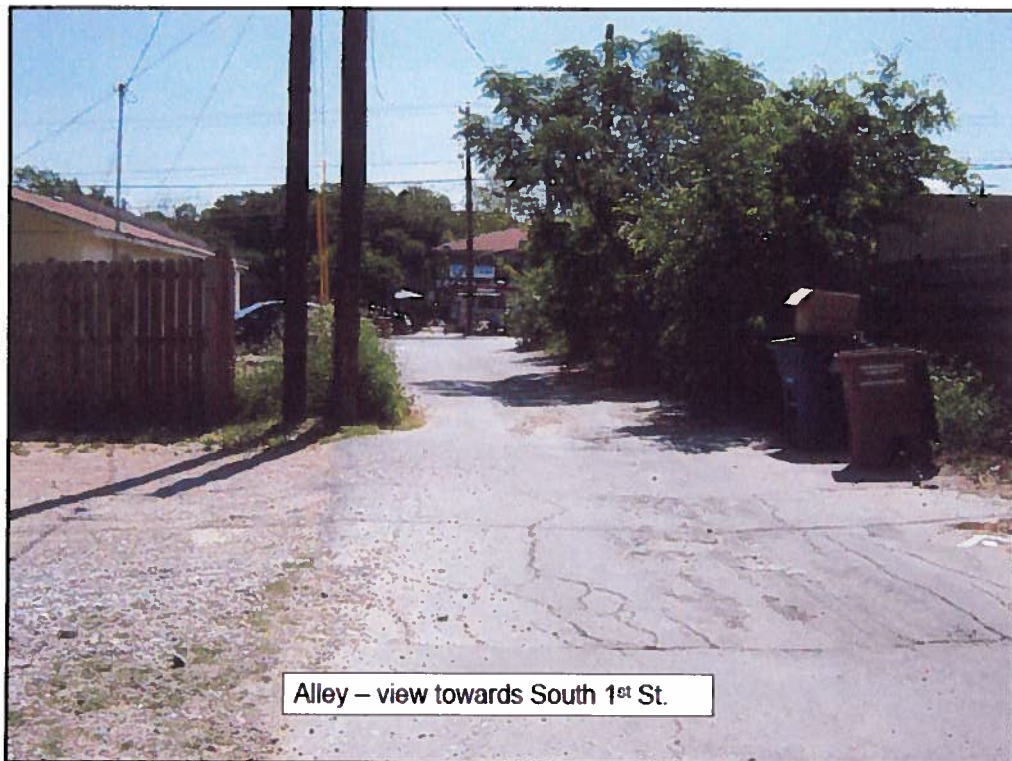
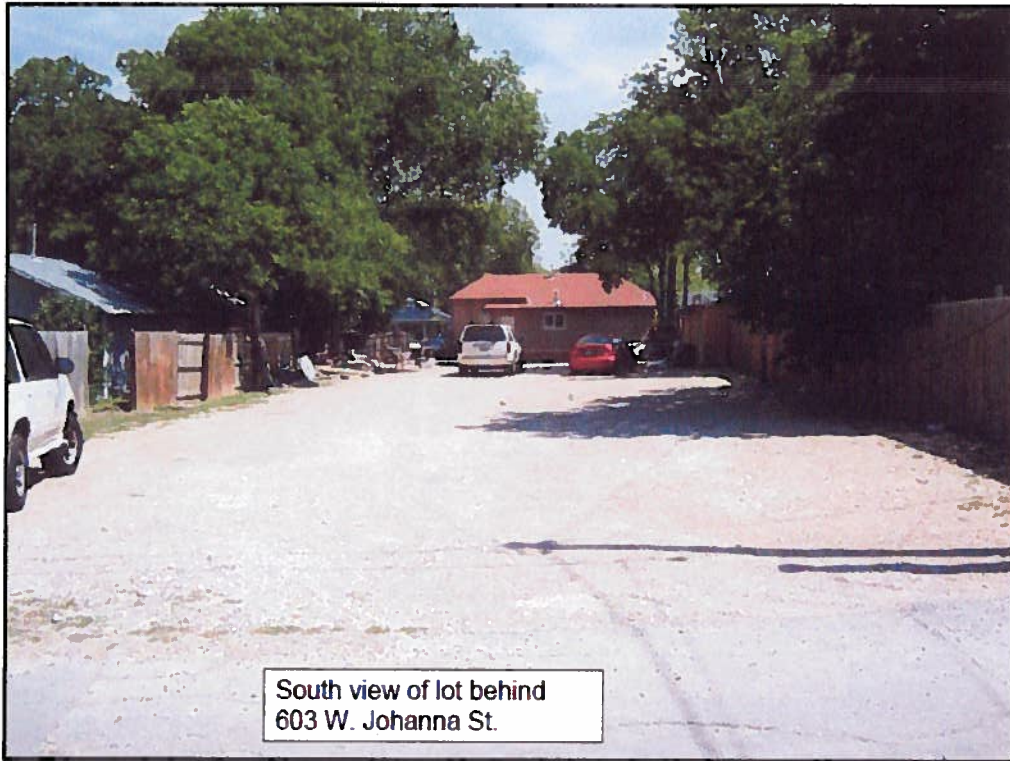


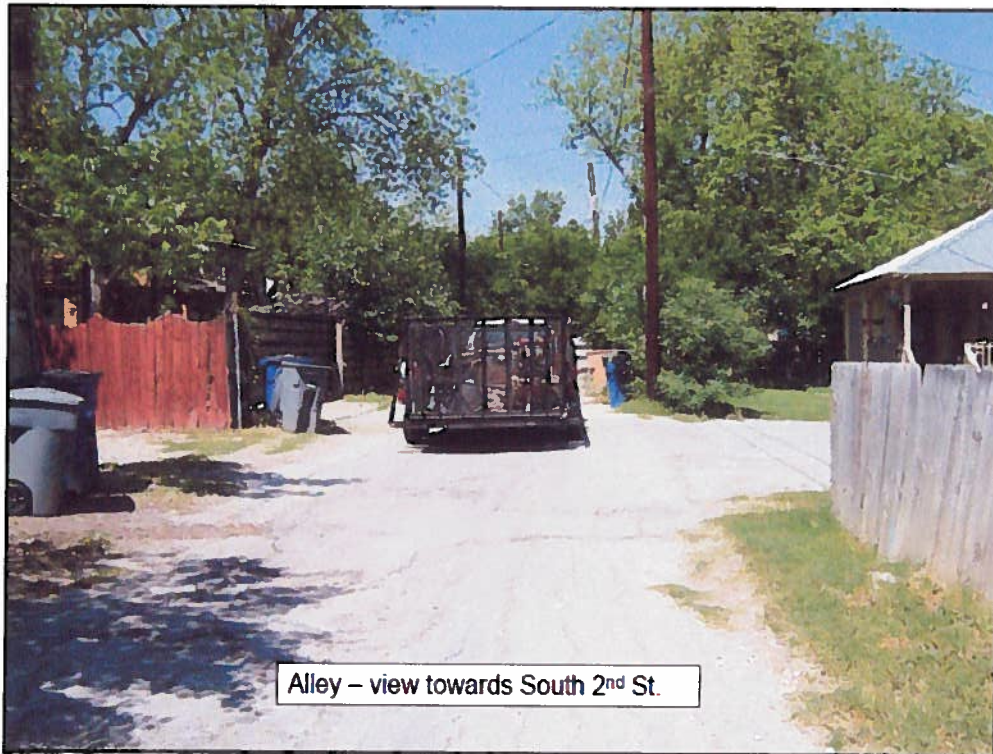


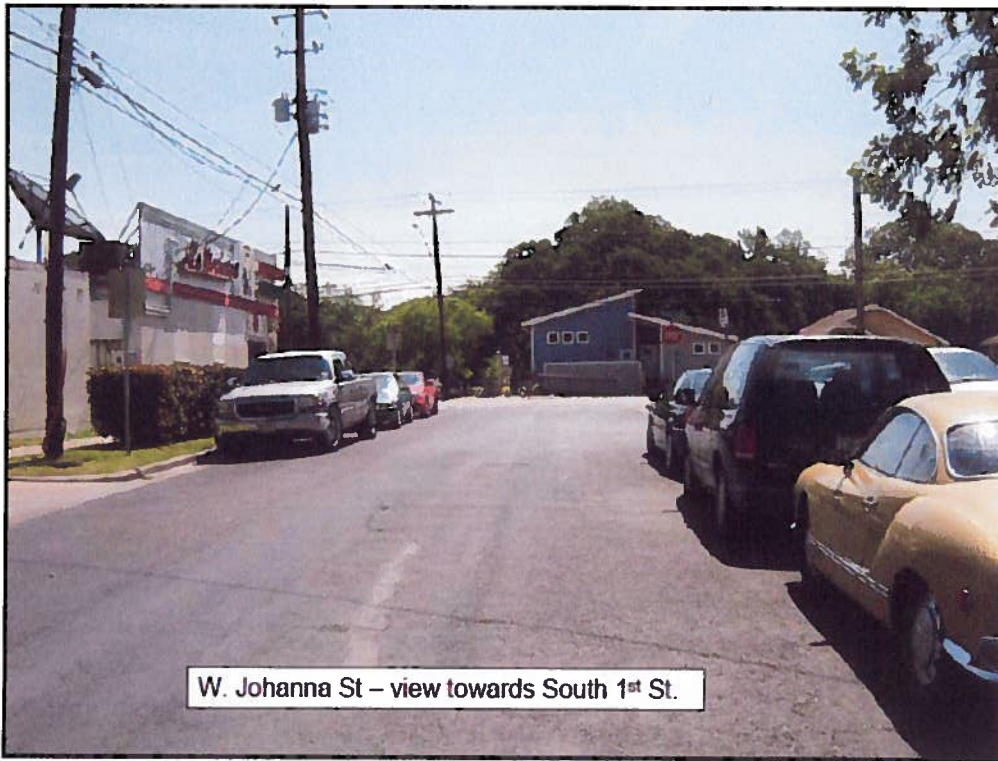












From: Ruben Ibarra
Sent: Monday, April 30, 2012 10:04 PM
To: Sirwaitis, Sherri; Meredith, Maureen
Subject: Zoning application C14-2012-0021 and neighborhood plan amendment NPA-2012-0013.01 for Polvos

Dear Ms. Sirwaitis and Ms. Meredith,

My wife and I along with our eight year old daughter live at 607 W. Johanna. Our location is basically one small yard from the proposed sight of the requested parking lot.

We are both adamantly against the rezoning of any portion of the 603 Johanna St. residence to "NO" status.

Time and time again the applicant has consistently disregarded following set city policies and processes created to protect the neighborhoods and individuals (please reference all the numerous complaints against "Polvos" in the past 5 years). The applicants request has no inherent benefit for the neighborhood, only the one applicant. We ask the city to consider the good of the majority (neighborhood) versus gains of the few or even one party.

Thanks in advance for you time and consideration.

Regards,

Ruben Ibarra / Sharon Mckinney

From: Noll/Anderson
Sent: Thursday, May 10, 2012 9:30 AM
To: Meredith, Maureen
Subject: zoning application C14-2012-0021 and neighborhood plan amendment NPA-2012-0013.01

I am officially opposed to both the zoning application C14-2012-0021 and the neighborhood plan amendment NPA 2012-0013-01.

I am a resident of Bouldin Creek owning the property at 609 W. Mary St. Austin, TX 78704

Thank you so much,

Bernadette Noll
512-627-0652

From: Jeffrey Schryver
Sent: Friday, April 27, 2012 7:04 PM
To: Meredith, Maureen
Subject: zoning application C14-2012-0021 and neighborhood plan amendment NPA-2012-0013.01

Dear Ms. Meredith

Regarding the zoning application C14-2012-0021 and neighborhood plan amendment NPA-2012-0013.01 for Polvos

Our understanding of the proposal is that the lessee of Polvos owns the adjacent residential property (ARP) and the orthogonally adjacent commercial property (proposed parking lot - PPL).

The action is to link Polvos with the PPL by rezoning the ARP thus creating a thru-residential commercial by-pass. This is unnecessary as both Polvos and the PPL have street access currently. Polvos accesses 1st street and Johanna. The PPL accesses the alley with immediate access to 1st street. Therefore, there exists no need to link the two commercial properties by turning a residential property into a commercial pass-thru. Both Polvos and the PPL have street access and a convenient pedestrian pathway between each other through the alley and 1st street. The distance between the current pathway via 1st street and the proposed pathway through the existing residence are identical distances. Thus no access advantage to Polvos is accomplished by this current proposal.

However, should the residential property be rezoned and allow both pedestrian and vehicle pathways through the neighborhood it would substantially invade the residential adjacent properties on both the alley and Johanna St.

This proposal to rezone the ARP is simply a business convenience for the owner as it will give him additional parking space with 1st street access. While commercially valuable to him it would come at the cost of substantial ingress and degradation of the neighboring residential properties. Further, it would create a high volume thru-way that poses both safety risks and loss of buffer zone between an extremely high volume restaurant and their residential neighbors.

We strongly object to the proposed necessity of this rezoning. It accomplishes no increase in accessibility for the Polvos customers, no decrease in convenience for them, and would substantially degrade the current delicate balance between the neighborhood (already stresses by the volume of customer traffic through our yards and street) and the existing working situation.

We urge you to reject this unnecessary rezoning proposal.

Sincerely,
Jeffrey and Linda Schryver
609 w Johanna st
78704

512-934-1937

From: davuncannon
Sent: Tuesday, May 15, 2012 8:10 AM
To: Meredith, Maureen
Subject: C14-2012-0021

Case Number: C14-2010-0021
Contact: Sherri Sirwairis
Public hearing: May 22, 2012, Planning Commission
June 28, 2012, City Council

I object to this request as presented. I believe this change will lead to an increase of traffic in an already deteriorating alley.

If, Polvo's would fence off the off-site parking on the alley side and only allow entrance/exit through it's original parking lot, I would be in favor.

If this format is not allowed for voicing object/favor, please let me know.

thank you,
Debbie Vuncannon
936-1191

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
 City of Austin
 Planning and Development Review Department
 974-2695
 P. O. Box 1088
 Austin, TX 78767-8810

Rec'd 5/16/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2012-0013.01
 Contact: Maureen Meredith
 Public Hearing: May 22, 2012, Planning Commission
 June 28, 2012, City Council

☐ I am in favor
☒ I object

Your Name (please print) John A. Pratt
 Your address(es) affected by this application 614 W. Johanna
 Signature John A. Pratt Date 5-13-12

Comments:

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 City of Austin
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 974-2695
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: NPA-2012-0013.01
 Contact: Maureen Meredith
 Public Hearing: May 22, 2012, Planning Commission
 June 28, 2012, City Council

☐ I am in favor
☒ I object

Your Name (please print) DAAGMAR CORREDELL
 Your address(es) affected by this application 206 & 208 W. MONROE
 Signature Daagmar Corredell Date 5/12/12

Comments: POLYUS IS A BAD NEIGHBOR
QUICK TO MAKE PROMISES BUT
CONTINUES TO VIOLATE CITY LAWS
AND CITY CODE AND CITY ORDINANCE